

ALVERSON, TAYLOR, MORTENSEN & SANDERS

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

JIMMY PETERSON, individually, and as
Guardian ad Litem for CHARLOTTE-MARIE-
SMITH-PETERSON, a minor,

Plaintiffs,

v.

TELICIA DA'SHANEE HALL, an individual;
NEW PRIME, INC., a Foreign Corporation; and
DOES I through X, inclusive

Defendants.

CASE NO:

DEFENDANT NEW PRIME, INC.'S NOTICE OF REMOVAL

TO: Clerk of the United States District Court for the District of Nevada

PLEASE TAKE NOTICE that Defendant NEW PRIME, INC. hereby removes to this Court the state court action entitled "JIMMY PETERSON, individually, and as Guardian ad Litem for CHARLOTTE-MARIE SMITH-PETERSON, a minor, Plaintiffs v. TELICIA DA'SHANEE HALL and NEW PRIME, INC., a Foreign Corporation, and DOES I through X; inclusive, Defendants," Case No. A-17-756486-C filed in the Eighth Judicial District Court for

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1 the State of Nevada, County of Clark. A copy of the Complaint is attached hereto as Exhibit A.

2 The grounds for removal are:

3 1. This Court has original subject matter jurisdiction over this action pursuant to 28
4 U.S.C. § 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between citizens of the
5 State of Nevada, and a citizen of the State of Missouri and a foreign corporation, and the matter
6 in controversy exceeds \$75,000.00, exclusive of interest and costs, as set forth below.

7 2. Based upon information and belief, Plaintiff JIMMY PETERSON is and remains
8 a citizen of the State of Nevada. See Complaint ¶ I.

9 3. Based upon information and belief, Plaintiff CHARLOTTE-MARIE SMITH-
10 PETERSON is and remains a citizen of the State of Nevada. See Complaint ¶ II.

11 4. Upon information and belief, Defendant TELICIA DA'SHANEE HALL is and
12 remains a citizen of the State of Missouri.

13 5. Defendant NEW PRIME, INC. is a Nebraska corporation with its principal place
14 of business in Missouri.

15 6. The Defendants sued as DOES I through X, inclusive, are fictitious parties and
16 not relevant to the determination of subject matter jurisdiction. See 28 U.S.C. § 1441(a) (stating
17 "For purposes of removal under this chapter, the citizenship of defendants sued under fictitious
18 names shall be disregarded").

19 7. Based upon information and belief, the amount in controversy, exclusive of
20 interest and costs, exceeds \$75,000.00. In the Complaint, Plaintiffs allege that they have and
21 "will in the future be caused to suffer disability, mental and physical pain and suffering,
22 disfigurement, loss of enjoyment of life, hedonic damages and loss of household services." See
23 Complaint ¶ X. Plaintiffs further allege that they have incurred and "will in the future be caused
24 to incur medical bills and expenses incidental thereto..." See Complaint ¶ XI. Plaintiff JIMMY

PETERSON further alleges that he has “been caused and may in the future be caused to sustain loss of income and/or impairment of earning capacity...” See Complaint ¶ XII.

8. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)-(b) and Local Rule 8-1. This action was originally brought in the Eighth Judicial District for the State of Nevada, Clark County.

9. This notice of removal is timely filed within thirty (30) days after receipt of the paper that makes this case removable as required by 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days of service of the Summons and Complaint on Defendant NEW PRIME, INC. on June 30, 2017. Upon information and belief, Defendant TELICIA DA’S HANEE HALL has not yet been properly served with the Summons and Complaint.

10. Pursuant to 28 U.S.C. 1446(d), Defendant NEW PRIME, INC. has prepared and will file with the Clerk of the Eighth Judicial District Court for Clark County, Nevada, a Notice of Removed Action.

Dated this 6th day of July, 2017.

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CERTIFICATE OF ELECTRONIC SERVICE

I certify that on the 6th day of July, 2017, service of the above and foregoing
DEFENDANT NEW PRIME, INC.'S NOTICE OF REMOVAL was made by electronically
filing a true and correct copy of the same to each party addressed as follows:

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